

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
AUGUST 24, 2021

CALL TO ORDER

Chairman Abruzzo called the August 24, 2021, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:03 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded for providing accurate notes. A Public Hearing was held at 6 p.m. for Conditional Use Application No. 2021-03 regarding property at 1533 East Chocolate Avenue for the establishment of a short-term rental filed by K&N Property's LLC. In addition, the Board met in Executive Session at 6:20 p.m. to discuss legal matters. After the Pledge of Allegiance, a roll call was performed.

IN ATTENDANCE:

SUPERVISORS

E. Christopher Abruzzo, Chairman
Natalie L. Nutt, Vice Chairwoman
Carter E. Wyckoff, Secretary
Richard D. Zmuda
Susan M. Cort

ALSO PRESENT:

Christopher Christman, Township Manager
Patrick Armstrong, Township Solicitor
Chuck Emerick, Director of Community Development
Thomas Clark, Director of Public Works
Garth Warner, Chief of Police
David Sassaman, Hershey Volunteer Fire Department
Zach Jackson, Director of Parks and Recreation
Jeffrey Cothren, Assistant Director of Hershey Public Library
Matt Bonanno, HRG Engineer
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: James Casey, Lowell Gates, James Strong, Christine Drexler, Mary Dague, Joseph Peters, Michael Corado, Rodney Sonderman, Brad Christ, Tony Potter, Justin Gorman, Lindsay Drew, Joyce Adkinson, Doug Tilley, Mike Frentz, Charlotte Zimmerman, Denise D, Lisa Sviben Miller, Rich Gamble, Linda Eyer.

VISITOR/PUBLIC COMMENTS:

Mr. Anthony Potter, 405 Laurel Drive, stated he is here tonight to support Cocoa Packs' application. He spoke about the tough year it has been and how the organization was seeking funds to continue to help the Community. He noted the organization also helps others affected in Dauphin County including Harrisburg, Middletown, and Steelton students. He spoke about the USDA boxes they were able to provide during the year. He asked the Board to support their grant application for \$75,000.

Mrs. Mary Dague, 59 Brownstone Dr, stated she has been with Cocoa Packs and is here to support the grant application. She spoke about the volunteers and trying to help those in their time of need. They are very grateful for the support and as a volunteer organization they welcome any support.

Mr. Rich Gamble, 39 Hockersville Road, spoke in support of the Cocoa Packs grant application. He helps Christine with deliveries every Wednesday. He is concerned with the kids and when food is not available to them. He spoke about her dedication and the benefit to the community.

CONSENT CALENDAR:

Vice Chairwoman Nutt made a motion to authorize action on the following Consent Calendar:

1. Adoption of Board of Supervisors Meeting Minutes for the August 10, 2021 Regular Meeting.

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2. Authorizing the release of \$488,721 from the performance security provided as Harco National Insurance Company Bond No. 0768489 for the Preliminary/Final Subdivision and Land Development Plan for Fox Glen Drive, Plat 1313, resulting in a new balance of \$178,760.
3. Authorizing the release of \$3,143,244 from the financial security provided in the form of Hershey Trust Company Letter of Credit No. 2020-01 for the Stormwater Management Plan for Hershey West End Medical Office Parking Expansion, S2019-020, resulting in a new balance of \$402,541.
4. Authorizing the release of \$2,156,972 from the financial security provided in the form of PNC Bank Letter of Credit No. 18131088-00-000 for the Stormwater Management Plan for Penn State College of Medicine Parking Deck, S-2018-018, resulting in a new balance of \$268,766.
5. Approval of Accounts Payable of \$2,117,317.24 and Payroll of \$311,587.07

Supervisor Wyckoff seconded the motion. **Motion passed 5-0.**

NEW BUSINESS:

RESOLUTION 2021-16-DAUPHIN COUNTY LOCAL SHARE MUNICIPAL GRANT:

Mr. Christman stated the Township is eligible to apply for funding through the Dauphin County Local Share Municipal Grant program. Organizations wishing to apply for funding must be sponsored by an eligible applicant as a co-applicant. The Township may choose to sponsor and prioritize organizations from the Township that wish to submit requests for funding derived from Local Share revenues. The Administration has provided recommended rankings beginning with Township EMS needs first. The Board may choose to adjust the order tonight if it so chooses. Below are the requests and ranking:

1. Derry Township. A request for funding of \$157,069.85 for the third year of a lease to purchase arrangement for radio replacements for the Police Department and Public Works Department.
2. Hershey Volunteer Fire Company. A \$190,860 request for funding for radio replacements.
3. Derry Township School District. A request of \$75,000 for a Traffic Flow Restructure project.
4. Cocoa Packs. A request of \$75,000 for a Food Assistance and Services project.
5. Linlo Properties. A request of \$350,000 for the Sandhill Road Relocation project.
6. GM Realty Holdings, LLC. A request of \$242,000 for a Cocoa Motel Renovation project.

Derry Township – Chief Warner spoke about the need for the radios and how they improve communications for both the Police Department and Public Works.

Hershey Fire – Deputy Chief Mr. Sonderman noted that the radios they are currently using are from 2006. He stated they are seeking money for their radio replacements. He noted last year they received \$60,000 and they are requesting \$190,860 to complete the project.

Derry Township School District – Mr. Mike Frenz stated they started this project in 2018 with a study, applied for Gaming Grant funding in 2019 and 2020 and received money in 2020. He spoke about the 2018 study and noted this project cost is approximately \$3 million with \$450,000 for the traffic flow project. This is where they would use the grant money this year. The project will focus on the improvement and redesign of vehicle traffic flow at the high school to address the points of ingress and egress and the narrow lanes that force traffic to converge into two possible points of entrance and exit to the campus. He thanked the Board for their support.

Cocoa Packs – Mrs. Christine Drexler & Mrs. Lyndsay Drew provided a presentation about Cocoa Packs. Cocoa Packs provides supplemental food and other support to local children in need to enhance their overall wellness. They spoke in length about the need in Derry Township and the boxes they provide to needy families, the clothing closet and Christmas presents. They are requesting \$75,000 to

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help continue their vision because they have been unable to have fundraisers during COVID, which has made it difficult. Supervisor Cort suggested that since they help families in other municipalities that they reach out to them and ask for letters of support. This may help with the application.

Linlo Properties – Mr. James Casey spoke about the Sand Hill Road Relocation project which has been in the making for 15 years. He noted the population of Derry Township has increased 18% over the past 20 years. Their request is for \$350,000 to relocate Sand Hill Road. They are planning a dialysis center, mixed use retail building with apartments and extending the Jonathan Eshenour Memorial Trail. He asked the Board for their support and for a higher placement on the list of grant priorities since they were ranked number three in the prior year. He thanked them for their continued partnership in this project.

GM Realty Holdings, LLC – Mr. Justin Gorman spoke about the Cocoa Motel project, which has three buildings. He spoke about the history of the property, showed pictures of it currently and its condition due to bad management and vacancy over the years. They are under contract and would like to create affordable housing by purchasing and renovating the Cocoa Motel Property. He stated the property is one mile from downtown, would have 14 hotel rooms and become an economical benefit and asset. He spoke about the current condition, the foundation and mold remediation issues, and the cost of purchasing and repairing the property would be \$485,000. Their grant request is 50% or \$242,000.

The Board thanked the applicants for their presentations. Chairman Abruzzo noted that the County makes the final decision and that some of the requests this year are multi-year requests. The Board spoke about the ranking and how hard this is each year. Supervisor Cort suggested that the Township write a letter supporting Cocoa Packs. Mr. Christman stated he could do that for them. It was suggested that each Board member write a letter of support also.

Chairman Abruzzo made a motion to adopt Resolution 2021-16, authorizing the Sponsorship and Submission of Requests for Funding for the 2021-2022 Dauphin County Local Share Municipal Grant Program. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SKETCH PLAN FOR GOVERNOR CROSSING-PLAT 1344:

Mr. Emerick stated this application and plan, for Linlo Governor Crossing, LLC, represents the suggested sketch plan processing associated with an application for Conditional Use approval of a Master Plan. By processing a Master Plan, the developer is provided height, density, and impervious coverage bonuses, and the Township is provided architectural details, a financial impact study, and some assurances of a coordinated development. The subject site contains about 6.8 acres of developable land after the proposed relocation of Sand Hill Road. It is located in the Hershey Mixed Use zoning district, the Central Master Plan Approval Area, and is primarily within the Southern Core Overlay. The relocation and signalization of Sand Hill Road is proposed as part of the development. This relocation at Fishburn Road will allow better intersection separation for signalization and will meet the required intersection separation distance. This relocation has been discussed in Transportation Committee, and the roadway improvements are likely to require a public/private partnership to be completed.

Access to the site is to be provided by one right-in driveway from Governor Road, one right in/right-out driveway from Fishburn Road, and a full movement driveway from Sand Hill Road. He showed the Board the location of the site and plans. The project proposes a 4-story, 70,268-square-foot building, with the first floor as retail/commercial space and the upper 3-stories dedicated to 60 residential apartments; a single-story 8,500-square-foot medical office building; a single-story 10,000-square-foot commercial office building; and a convenience store with fuel service. An 8-foot-wide combined

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bicycle/pedestrian path is shown in lieu of required sidewalks along the site's perimeter. Stormwater management facilities are not shown on the sketch plan; however, the applicant/developer will be required to meet or exceed the Township's requirements. The applicant will need to provide a traffic study as part of the Master Plan application. HRG has reviewed the scoping portion of the traffic study.

It was noted that the proposed use of the medical office building (dialysis) is considered an Outpatient Medical Treatment Facility which is not a permitted use in the zoning district. Township Staff and the applicant's attorney are collaborating on a Zoning Ordinance text amendment to allow such use if approved by the Board of Supervisors. He provided comments to the applicant by way of Staff comments presented to the Planning Commission which should be incorporated into any future plan submission. He highlighted a few of the Zoning, Subdivision and Land Development, and General comments to the Board. He noted no formal action is required for this sketch plan; however, any comments from the Board, may be offered so that the applicant may consider the comments when preparing the formal plan submission.

Mr. Doug Tilley, TKS Architects, showed the Board the design for the outside of the buildings. He noted not all the buildings are designed. He spoke about the apartments which would be studio or 1 bedroom. He showed the Board the potential look of the buildings with brick and stone. He showed the materials they will use similar to downtown buildings. He also showed them a sketch of the Sheetz and the Dialysis Center. He noted the apartment building would be 58 feet tall.

Vice Chairwoman asked if the apartments were in the first plan and Mr. Emerick said no. She asked if the properties on Hope Drive are owned at this point and Mr. Emerick stated they are not. The Board discussed at length their concerns with the height of the building, with site lines and traffic with the location of it being at the intersection with Mr. Jon Peters, Jim Snyder Associates. Mr. Peters spoke about the infrastructure with utilities and DTMA lines. The Board asked if the building could be moved back further on the property based on their concerns with traffic at such a busy intersection. Supervisor Zmuda asked them to make the apartment building into two buildings to lower the height of the buildings. They were also concerned about the height since there are no other buildings in that specific area which is near that height. They discussed setbacks with Fishburn and Governor. Supervisor Cort noted this plan presented tonight was different than ones in the past. The Board discussed the location of Sheetz on the plan. Mr. Emerick spoke about Sheetz not being on the corner or fronting 322 and spoke about the ordinance.

Mr. Emerick noted he just received the presentation today with the proposed look for the buildings. He made some suggestions for the buildings with the Sheetz coming in with their colors and trying to tie the look into the rest of the community surrounding it. Mr. Tilley explained the concept behind the drawings for the buildings. Vice Chairwoman Nutt asked about the need for apartments. Mr. Lowell Gates, Linlo, stated they did a study and spoke to HMC who is having a hard time finding apartments for their staff. Mr. Gates spoke about the financial constraints and the economic value of the apartments. Chairman Abruzzo noted this was the first time they have seen the plan and that it looked different from the past. He stated they have shared their thoughts and concerns. He asked them to look at the plan and see what can be changed. Mr. Emerick stated the Subdivision Committee is a great place for these plans to receive feedback prior to coming back to the Board. Mr. Gates & Mr. Peters noted the next agenda item is important to their plan and sketching out the locations of buildings. Solicitor Armstrong noted that the Resolution passed for the Dauphin County Gaming Grants is for the relocation of Sand Hill Road and not for this specific sketch plan project.

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TEXT AMENDMENT -PERMITTED USES IN THE SOUTHERN CORE OVERLAY OF THE HERSHEY MIXED USE ZONING DISTRICT:

Mr. Emerick stated he and Jamie Strong, Esq., legal counsel for Linlo Governor Crossing, LLC, have worked together on a draft amendment to the zoning district. The 2019 Zoning Ordinance makes a distinction between two uses, Outpatient Medical Treatment Facility and Healthcare Practitioner's Office. The principal difference between the two uses is that an Outpatient Medical Treatment Facility is a medical office that specialize in treatment of specific health issues, usually utilizing specialized staff and equipment. This use would include cancer centers, heart centers, dialysis facilities, outpatient substance abuse centers, imaging facilities, and similar uses. Whereas a Healthcare Practitioner's Office is a medical office that offers general health care such as an eye doctor, dentist, or general practitioner.

These uses were specifically separated to allow general medical practices access within many areas of the Township, while restricting an Outpatient Medical Treatment Facility to specific districts, focusing the more specialized uses in less residential centric areas. He showed the overlay district on the map. The draft amendment, which is attached to this agenda item, proposes to permit the use as a Conditional Use, with the following criteria:

- A. Within the Hershey Mixed Use zoning district, an Outpatient Medical Treatment Facility is only permitted in the Southern Core Overlay as part of a Master Plan.
- B. The Outpatient Medical Treatment Facility shall be served by public water and public sewer facilities.
- C. If toxic or volatile materials are utilized on the site, the applicant shall provide an emergency action plan for review by the Township Board of Supervisors, and the applicant shall provide copies of the emergency action plan to first responders (fire, police, EMA) initially, and at any time the plan is updated.
- D. The applicant shall provide any necessary pretreatment of waste or provide evidence that none is necessary prior to Derry Township Municipal Authority receiving the same.

Township Staff supports this modification, as it is generally consistent with the goals of the 2015 Comprehensive Plan. In a Community Survey that was conducted prior to drafting the Comprehensive Plan, respondents were given a total of 24 choices of what they feel makes Derry Township unique. They were then asked to pick their top five choices and access to quality healthcare was ranked third. The Comprehensive Plans also notes that "[a]n aging population will cause increased demand for specialized services relating to healthcare, recreational needs and public transit options." The expansion of the Outpatient Medical Treatment Facility into the Southern Core Overlay will aid in providing lands for the needed use. It may be necessary to provide a minor update to the Comprehensive Plan to be in full alignment with it.

He noted this was on the agenda for the Board to direct Staff to take one of the following actions:

- If the Board is agreeable, the Board can direct staff to provide the amendment to the Township and County Planning Commissions and advertise it for a public hearing for consideration and possible adoption at a future meeting.
- If the Board is generally agreeable but believes that additional review and modifications are necessary, the Board can direct staff to further revise the amendment and bring it to a future meeting for Board consideration.
- If the Board does not see merit in pursuing, the Board can simply indicate that it does not want to proceed with the requested ordinance amendment, in which case no further action would be

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necessary other than notifying the applicant that the Board does not intend to move the ordinance amendment forward.

Supervisor Wyckoff asked about a zoning amendment versus a zoning variance. Mr. Emerick explained the criteria for the zoning variance and that a hardship needs to be proved. Mr. Strong spoke about the difficulties of receiving a zoning variance and the specific language being proposed which would not open the door for other uses. Mr. Emerick stated they could build in another security with the language of five acre mixed use property. Chairman Abruzzo would like more safeguards built in language and suggested tabling action on this to allow more time for review. Solicitor Armstrong agreed that they need to look at the whole area for this use and potential restrictions for Township planning. He can meet with Chuck and discuss. Mr. Emerick stated he will bring this back to the Board next meeting.

Supervisor Cort made a motion to TABLE action on the proposed text amendment to the zoning Ordinance regarding permitted uses in the Southern Core Overlay of the Hershey Mixed use Zoning District. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

TIME EXTENSION-PLAN FOR MHS CTE CARPENTRY/WELDING BUILDING, PLAT 1326:

Chairman Abruzzo made a motion approving the Preliminary/Final Land Development Plan for Milton Hershey School CTE Carpentry/Welding Building, Plat 1326, is extended to September 30, 2021, subject to compliance with the following:

1. A financial security is provided to guarantee the completion of required improvements, and the accompanying Development and Financial Security Agreement is signed no later than September 30, 2021.
2. The comments in the May 6, 2021 HRG letter are addressed no later than September 30, 2021.
3. Two originals of the signed and notarized Agreement for Deferment of Curbing Installation and Sidewalk, Walkway, and/or Bicycle Path Installation are provided no later than September 30, 2021.
4. A CD of a DXF or AutoCAD digital file of the final plan is provided no later than September 30, 2021.
5. The Development and Financial Security Agreement, or a Memorandum of the same, is recorded concurrently with the plan.
6. The Agreement for Deferment of Curbing Installation and Sidewalk, Walkway, and/or Bicycle Path Installation is recorded concurrently with the plan.

Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

UPDATE -TRAFFIC SIGNAL AGREEMENT-FOR HERSHEY WEST END IMPROVEMENTS:

Mr. Emerick stated On March 23, 2021, the Board of Supervisors granted conditional approval to Hershey Trust Company of the Final Lot Consolidation and Land Development Plan for Hershey West End - Streets and Infrastructure Phase, Plat 1330. On May 11, 2021, the Board authorized Christopher Abruzzo to sign the pending agreement with HTC related to the traffic signal modifications and Charles Emerick to sign the PennDOT permit plans once the agreement was signed by HTC. One of the delays in signing the plans was the execution and submission of the master Traffic Signal Maintenance Agreement with PennDOT, which was done on August 11, 2021.

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Wyckoff attended the DTMA meeting and was provided updates on projects. Chairman Abruzzo and Mr. Christman met with MetEd about the request to relocate poles. He spoke about the interviews for the Director of Hershey Library and the Board meeting the one candidate who stood out.

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REPORTS:

<u>Police:</u>	Chief Warner answered questions at the School Board meeting about body cameras because the Resource Officer will have one. He spoke about the upcoming Tunnel to Towers parade. Chairman Abruzzo asked about communicating the rules of the road for electric skateboards and other such devices.
<u>Fire:</u>	Mr. Sassaman stated they are ready for the Tunnel to Towers parade. They will stage at 10 a.m. and some local media will be there.
<u>Recreation:</u>	Mr. Jackson spoke about the Halloween parade on October 13. Chairman Abruzzo asked about communicating to not feed the geese because people are not obeying the signs.

VISITOR/PUBLIC COMMENTS:

Mr. Rich Gamble, 39 Hockersville Road, thanked the Board for their support of Cocoa Packs and for suggesting letters of support. He did not agree with the school district because they spent \$450,000 six years ago to remodel for safety. He does not believe taxpayer money should be used for private ventures such as Governor Crossing.

Mrs. Joyce Atkins, 910 Rhue Haus Lane, spoke about Dauphin County and the help available. However, families must qualify. She stated Cocoa Packs helps if there is a need instead of making people qualify. She noted 80% of the children they help are in Derry Township.

ADJOURNMENT TO EXECUTIVE SESSION:

Solicitor Armstrong asked for an Executive Session on a legal matter after the adjournment. Supervisor Zmuda made a motion to adjourn the meeting at 9:47 p.m. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary